

#2017-27

REC'D MAR 17 2017

State Records Committee

Nova Dubovik

346 S. Rio Grande

Salt Lake City, UT 84101

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Hello, my name is Eric S. Peterson, I would like you to consider this my notice of an appeal to a denial issued to me by Patrick Leary Chief Administrative Officer of the Salt Lake City Office of the Mayor on March 13, 2017. This appeal denial was to my original request from Jan. 30, 2017. The original request was logged through the Salt Lake City Public Records Center, reference number P027817-013017.

**My request was for:**

"Full police report for case # 1978-86442, the unsolved homicide of Anthony Adams on 1978-11-06, at 125 1st Avenue, SLC. I'm only seeking report contents active from the start of the case until Nov. 6 1983. I understand if private information needs to be redacted. Please notify me if fulfillment requests are expected to exceed \$100. I would prefer to receive records electronically if possible. Thanks Eric S. Peterson C: [redacted] epeterson@utahinvestigative.org [redacted]"

On Feb. 22 the police department denied the request because Utah Code 63G-2-305(10)(a) protects records the disclosure of which could interfere with an investigation and Utah Code 63G-2-305(10)(d) that disclosure of the records would reveal the identity of a government source. These arguments were presented in the denial and the denial of my subsequent appeal. In this appeal to the State Records Committee I maintain the same arguments as I did in my first appeal.

1. It doesn't make sense to call an investigation "active" that has been open since 1978.
2. records are not always permanently protected as is consistent with Utah Code 63G—2-310(1): "The classification of a record is not permanent and a record that was not classified public under this act shall become a public record when the justification for the original or any subsequent restrictive classification no longer exists..." By narrowing my search to the first five years of the investigation, my request focuses on the department's earliest phases of a very long investigation. Any recent developments, or any developments of the past 33 years would remain protected. So even though I've been informed in the most recent denial that police have been looking into new leads on the case as recently as several weeks ago, those developments would not be a part of the records I'm requesting—they would not even be decades close to being included.
3. Citing Utah Code 63G-2-305(10)(d) is not a valid argument when the department can simply black out identifying names of possible sources. That was done in the police reports already provided and can be done with subsequent reports as well.
4. I also invoke GRAMA's balancing test, that the public has a right to know how this investigation was undertaken, given the sensitive nature of the case and the victim's political activities and support for marginalized communities, the public deserves to know the extent of the force's efforts in finding Adams' killer. To further extend on that point, I think balancing test also serves

another purpose besides being a check on the accountability of a law enforcement agency. I would also argue that the public has a right to know because a fuller and fleshed out account of this case might help raise awareness and bring new leads or tips to the police department to help in solving it. This is a file that has likely outlasted most police that ever knew about it. While institutional knowledge has shifted with staff turnover and retirements, this case remains unsolved and open. And at this point the public has a right to know more about it so they can, as informed citizens, perhaps help to solve it, or at the least learn something from the case and the way it was handled.

Let me know if you have any questions or need anything else in furtherance of this appeal to the records committee. As usual I have attached files to this request of my correspondence with Salt Lake City over the records. However, the initial GRAMA was made through the Salt Lake City Public Records Center so if you are unable to access that let me know and I could provide a printout of the page or screenshots if necessary.

Thanks

Eric S. Peterson

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